

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

COMPLAINT
DISTRICT OF COLUMBIA
CRIMINAL DIVISION

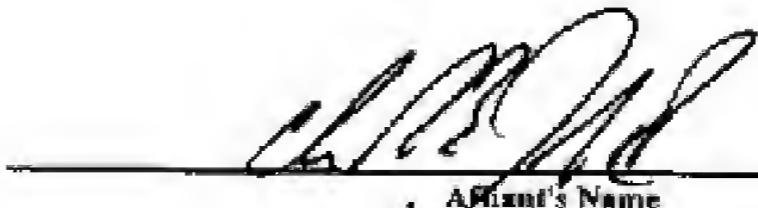
DCTN: _____
 Lockup No: _____
 Case No: 2013 (RW 000325)

District of Columbia ss:

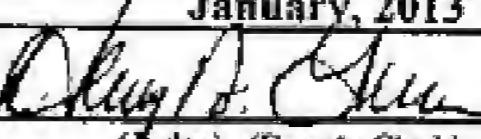
Defendant's Name:	James Brown	2013 JAN 20 A	569905	12181520
	(First)	(MI)	(Last)	(PDID)
Also Known As:				(CCNO)
	(First)	(Middle)	(Last)	
Address:	<u>Astor Place SE, Washington</u>			

James Brown, within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Darnell Rivers by shooting him with a firearm on or about December 29, 2012, thereby causing injuries from which Darnell Rivers died on or about December 30, 2012. (**First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.)**)

Co-Defendants:


 Clerk's Name

January, 2013

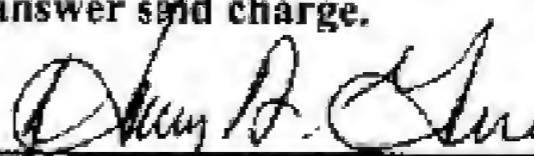

 (Judge) (Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for James Brown

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued 1/29/13

 Judge - Superior Court of the District of Columbia
Title 16: Rule 105: Judge: _____

Sex: <u>Male</u>	DOB: 04/27/1989	CCN: 12181520	PDID: 569905
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Papering Officer: Charles Fultz	Badge No.: <u>DO-10052</u>
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Officer's Name: <u>T. 10052 R. 21</u>	Date / Time: January 29, 2013
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AUSA Signature:	Fel. I <input type="checkbox"/>	AFTC <input type="checkbox"/>	Fel. II <input type="checkbox"/>
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Superior Court of the District of Columbia
CRIMINAL DIVISION

2013 CRW 000325
 USW NO.:

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

DEFENDANT'S NAME: Brown, James					NICKNAME:		ALIASES:		CCN: 12-181520	PDID: 569905
SEX: Male	RACE: Black	DOB: 4-27-89	HGT: 5'09"	WGT: 160	EYES: Brown	HAIR: Black	COMPL: Medium	SCARS, MARKS, TATOOS		
DEFENDANT'S HOME ADDRESS: ██████████ Astor Place Southeast, Washington D.C.					TELEPHONE NUMBER:					
COMPLAINANT'S NAME: Rivers, Darnell					TELEPHONE NUMBER:					
LOCATION OF OFFENSE: 5000 Ayers Place Southeast, Washington D.C.					DATE OF OFFENSE: December 29, 2013			TIME OF OFFENSE: 1947 hours		
CAUTION AND MEDICAL CONDITIONS (CMC)										
Select a valid CMC code below for wanted person when using the caution indicator.										
<input type="checkbox"/> 00 = Armed and Dangerous <input checked="" type="checkbox"/> X 05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition					<input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other					
GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:										
<p>1. On Saturday, December 29, 2012, at approximately 1947 hours, members of the Metropolitan Police Department's Sixth District and DCFEMS received a radio run for the sounds of gunshots in the area 5000 block of Central Avenue, Southeast. Upon arrival, officers observed a dark gray Mazda that had collided with a tree in the 5000 block of Ayers Place, Southeast, Washington, D.C. Officers located a black male, later identified as DARNELL RIVERS AKA "D-Nell", suffering from apparent gunshot wounds inside of the vehicle. All life saving efforts failed and the decedent's body was transported to the office of the Chief Medical Examiner for the District of Columbia pending an autopsy. On December 30, 2012 at 9:02 am, MLI Michelle Mack pronounced DARNELL RIVERS dead. Doctor Mountzinos conducted the autopsy of DARNELL RIVERS and ruled the death a Homicide and the cause of death was multiple gunshot wounds.</p> <p>2. Crime Scene Technicians processed the scene for evidence. Two blood trails were near the crashed Mazda. One blood trail led from the Mazda south through the 5000 block of Ayers Place, Southeast, through the houses towards A Street, Southeast. The other blood trail led east towards 51st Street, Southeast. The Technicians recovered several 9mm and .40 caliber shell casings, one semi-automatic .45 caliber pistol, one five-shot .38 special revolver containing five spent cartridges in its cylinder, as well as other bullets and fragments. The two handguns were recovered inside of the Mazda. The .45 caliber pistol was recovered from the driver's seat next to DARNELL RIVERS' body and the .38 special was recovered from the rear driver side passenger seat. The .40 caliber and 9mm shell casings were recovered from outside the vehicle and all of them were in the 5000 block of Ayers Place, Southeast in the area of the Mazda. An examination of the Mazda during a subsequent search by crime scene investigators revealed evidence that gunshots may have been fired inside the vehicle, in addition to evidence that the vehicle was struck by gunfire from the outside. A small pooling of blood was found to the right of the front passenger's seat and evidence of blood was located on the right rear door handle. Finally, a cellular phone with phone number 240-██████████ was discovered in the rear right floorboard. An acquaintance of TONY BROWN revealed that the phone number, 240-██████████ belonged to TONY BROWN. A check of the Mazda's registration revealed that it had been stolen from Northwest, Washington the same day.</p> <p>3. During the initial investigation, JAVON HALE was located at Prince Georges County Hospital suffering from an apparent gunshot wound to his right wrist area. It was determined that he had arrived at the hospital at approximately 2003 hours. Detectives also learned that TONY BROWN</p>										

- also arrived at Prince Georges County Hospital with an apparent gunshot wound to his face approximately 30 minutes after JAVON HALE arrived.

I. EVENT ONE—ARMED KIDNAPPING OF TONY BROWN

- On December 31, 2012, a witness, hereinafter referred to as W-1, reported to the Metropolitan Police Department that on Saturday, December 29, 2012, IT witnessed someone being kidnapped at gunpoint in the area of 51st Street and Astor Place, Southeast, Washington, D.C. W-1 stated that IT observed a vehicle pull up to a black male with short hair, who has been identified as TONY BROWN, PDID: 555538, and the front passenger, Kidnapper-1, who has been identified as JAVON HALE, PDID: 587475, exited the vehicle and approached the black male with short hair. Kidnapper-1 produced a handgun and asked the victim, "You got my money!?" W-1 stated that the victim replied "Yes" and complied by putting his hands in the air and asking the suspect not to kill him. W-1 also observed the driver, Kidnapper-2, who has been identified as the decedent DARNELL RIVERS, was pointing a handgun at the victim. Kidnapper-1 forced the victim at gunpoint in the back seat of the vehicle from the passenger side. The vehicle then left the scene. W-1 described Kidnapper-1 as a black male with dreadlocks protruding from the face mask he was wearing. W-1 further stated after observing the kidnapping W-1 learned that there had been a shooting in the 5000 block of Ayers Place, Southeast
- The investigation has revealed through admissions, surveillance video from the Prince George's County Hospital, and the evidence detailed below that TONY BROWN, PDID: 555538 is the kidnapped victim. Your affiant knows that TONY BROWN is a thin black male with short hair. Also, your affiant has determined through admissions, GPS data, surveillance video from the Prince George's County Hospital, and other evidence detailed below that JAVON HALE, PDID: 587475, is the front seat passenger Kidnapper-1. Your affiant knows that on December 31, 2012, JAVON HALE had dread locks. Finally, Kidnapper-2 has been identified as the decedent DARNELL RIVERS who was found shot multiple times and seated in the driver seat of the vehicle.
- A second witness (W-2), was found who has been familiar with JAVON HALE for several years. W-2 has been a paid special employee of the MPD for several years who has been found to be accurate and reliable. W-2 reported that IT heard JAVON HALE speak about what occurred the night the decedent, DARNELL RIVERS, was killed. JAVON HALE reported that he was with the decedent when they kidnapped an individual with the intent to take him back to his house to steal from his home. JAVON HALE stated that he and the decedent failed to search the individual and placed him in the back seat of their car. The kidnapped individual suddenly pulled a gun and shot the decedent, DARNELL RIVERS. JAVON HALE shot back, hitting the kidnapped individual in the face. JAVON HALE was then shot in the wrist by the kidnapped individual. While this was occurring, DARNELL RIVERS crashed the car into a tree. The kidnapped individual then fled the car and JAVON HALE fled the car. W-2 stated that JAVON HALE reported that he was wearing an ankle bracelet at the time of the shooting and he was good because police had not connected him to the shooting. W-2 knows JAVON HALE as "Blue" and "Javon" and identified a single MPDC PHOTOGRAPH OF JAVON HALE, PDID: 587475 as the person W-2 heard speak of these events. Your affiant confirmed that JAVON HALE has a pending homicide case in the Superior Court of the District of Columbia, *United States v. Javon Hale*, 2010CF19910 in which he is under court ordered electronic monitoring.
- During the investigation, an additional witness (W-3) was located. W-3 stated that on December, 29, 2012, in the 5200 block of Astor Place, SE, IT heard TONY BROWN on his cellular phone with someone telling them "I have the money. I have the money! It's my brother!"
- Minutes later, W-3 observed TONY BROWN near 51st and Astor Place, Southeast speaking to someone in a dark colored car which W-3 believed to be an Acura. W-3 subsequently observed

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- JAMES BROWN get out of the driver's side back door of the same dark colored car and walk in the direction of the 5200 block of Astor Place, Southeast. As W-3 was observing JAMES BROWN walk away, W-3 lost track of the location of TONY BROWN. W-3 next observed the same dark colored car pulling away without knowing what happened to TONY BROWN.
9. Minutes later, W-3 heard one or more gunshots. Subsequently, W-3 observed TONY BROWN return to the 5200 block of Astor Place, Southeast. TONY BROWN had a gunshot wound to the face. TONY BROWN told W-3 that he had been robbed, kidnapped and shot in the face. TONY BROWN stated, "They were fucking with the wrong people." and "I got my brother back."
- II. EVENT TWO—MURDER OF DARNELL RIVERS**
10. W-3 attempted to drive TONY BROWN to the hospital and while on the way, TONY BROWN redirected W-3 to the 5000 block of Ayers Place, Southeast. W-3 was driving a blue two-door "jeep" style vehicle with a black top. W-3 stated as IT was approaching 51st and Ayers Place, Southeast, W-3 observed JAMES BROWN and an unidentified male wearing a burgundy sweater running from the same dark colored vehicle that W-3 believed to be an Acura that was now crashed. W-3 stated that JAMES BROWN was wearing all black with a black facemask. W-3 stated that IT recognized JAMES BROWN because IT has known him all of his life and they made eye contact as they passed each other. W-3 stated that IT drove past the vehicle that was crashed into a tree and IT observed the driver's door was open and the driver was slumped back in the car. The right rear passenger door of the vehicle was open as well. W-3 stated that as IT was driving TONY BROWN back to the 5200 block of Astor Place, Southeast, they encountered the male wearing the burgundy sweater at 51st and A Street, S. E. and TONY BROWN asked the male, "Did you get it out the car?" The male answered, "Yes, I got it out the car." TONY BROWN then asked him "Did you get the money?" The male told TONY BROWN, "No, I didn't get the money." According to W-3, TONY BROWN subsequently exited W-3's blue two-door jeep style vehicle. W-3 observed JAMES BROWN come from the backyard of the house located at [REDACTED] Astor Place Southeast carrying a black assault rifle and converse with TONY BROWN in the parking area of the yard. W-3 also observed JAMES BROWN's ski mask lifted over his head revealing his face. (Your affiant knows that [REDACTED] Astor Place Southeast is a short distance from the scene of the crashed Mazda.)
11. W-3 later learned from TONY BROWN that he went to Prince George's County Hospital for treatment. TONY BROWN told W-3 that the dude that robbed and kidnapped him was in the bed next to him. Your affiant knows that TONY BROWN and JAVON HALE were in the same emergency area of the Prince George's County Hospital at the same time. TONY BROWN told W-3 that the kidnappers didn't check him as he got in the car. TONY BROWN told W-3 that both the driver and passenger had guns on him and there was a shootout in the car. TONY BROWN told W-3 that he pulled his handgun out in the car and shot the driver and the passenger, explaining that he had a five shot revolver and that he put at least two shots in the driver. (Based on the autopsy, DARNELL RIVERS suffered more than two gunshot wounds. According to Dr. Mourtzinis, although she does not know the sequence of the gunshot wounds, DARNELL RIVERS was alive at the time that each gunshot wound was inflicted.) TONY BROWN explained that he dragged the passenger out of the car and that he got into a fight with the passenger in reference to the ransom money that he had given them. TONY BROWN also stated that he was reluctant to go to the police because there was another gun involved and he doesn't want to get the other person in trouble. W-3 reported that IT has known JAMES BROWN and TONY BROWN all their lives and subsequently identified MPD PDID photographs of JAMES BROWN, PDID 569905, and TONY BROWN, PDID 555538.
12. On the evening of December 31, 2012, a District of Columbia Superior Court search warrant was obtained and executed at [REDACTED] Astor Place, Southeast. W-3 stated that IT knows JAMES BROWN and TONY BROWN to frequent that residence. During the execution of the search warrant, a Kol-

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- Tec 9mm semi-automatic carbine (model Sub 2000) firearm (serial number 10501) was recovered. The Kel-Tec 9mm firearm was subsequently test fired by a Metropolitan Police Department firearm examination technician and the known cartridge cases from the firearm were recovered. These known casings were compared to eight (8) 9mm casings recovered from around the Mazda on the scene. The technician concluded that the 9mm cartridge casings recovered from the scene were fired from the Kel-Tec 9mm firearm.
13. Another witness (W-4), told police that IT heard gunshots at approximately at 1942 hours. W-4 saw a car that had crashed into a tree in the middle of the 5000 block Ayers Place, Southeast. W-4 drove by the crashed vehicle and stated that IT didn't see anyone in the vehicle, although the front driver's door was open at that time. W-4 further stated that a short time later while still in the area, IT heard multiple gunshots coming from the area. W-4 went back to the area where IT first observed the crashed vehicle in the tree box and observed two subjects running towards 51st Street on Ayers Place, Southeast. (Based on your affiant's interview with W-3, this was the same area W-3 observed JAMES BROWN and the male wearing burgundy sweater running.) W-4 stated that the car's engine was now running at a high speed.
14. Another witness (W-5) stated that IT had observed that the Mazda had crashed into a tree in the 5000 block of Ayers Place, Southeast. W-5 observed that a male subject dressed in black clothing approached the vehicle on foot and fired several shots into the vehicle and then fled south between the houses in the 5000 block of Ayers Place, Southeast. W-5 further stated that just after the male shooter left the scene, W-5 observed a blue two door jeep style vehicle with a black top slowly ride by the crashed vehicle. (Your affiant knows that the blue two door jeep style vehicle described by W-5 is consistent with the vehicle driven by W-3.)
15. An additional witness, W-6 was contacted. W-6 spoke to detectives and informed them that IT had spoken to JAVON HALE about being shot and what happened. JAVON HALE told W-6 that he had been shot by some guys that tried to rob him and D-Nell (DARNELL RIVERS) while they were in a car. JAVON HALE explained to W-6 that when he was shot in the hand that D-Nell crashed the car into a tree when he was shot. JAVON HALE told W-6 that he ran from the scene and came directly to the hospital.
16. Your affiant learned that JAVON HALE has a pending homicide case in the Superior Court of the District of Columbia, *United States v. Javon Hale*, 2010CF19910 in which he is under court ordered electronic monitoring. A check of his electronic GPS monitoring data revealed that JAVON HALE was at the intersection of 51st and Astor Place, Southeast minutes before he was then in the 5000 block of Ayers Place, Southeast around the time of the shooting. He subsequently left the 5000 block of Ayers Place, Southeast and goes South through the block which is consistent with one of the blood trails leading from the Mazda. He then responds to Prince Georges County Hospital where he was wearing all dark clothing. His hair was in dreadlocks. When interviewed by police at the hospital, JAVON HALE reported that he had been robbed and shot on C Street, Southeast.
17. A check of the Metropolitan Police Department records revealed that TONY BROWN, PDID: 555538 does not have a license to carry a pistol in the District of Columbia.

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Based upon the above listed facts and circumstances, Your Affiant, Detective Charles E. Fultz II, believes probable cause exists that JAMES BROWN shot and killed DARNELL RIVERS and respectfully requests that a District of Columbia Superior Court Arrest Warrant be issued for the JAMES BROWN, black, male, DOB: April 27, 1989 PDID 569905.

AFFIANT'S SIGNATURE:

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TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

JAMES BROWN

Charge With: **1st Degree Murder while Armed**

ASSISTANT UNITED STATES ATTORNEY

NCIC Approved

SUBSCRIBED AND SWORN BEFORE ME THIS
29th DAY OF January 2013

(JUDGE) DEPUTY CLERK, SUPERIOR COURT OF
THE
DISTRICT OF COLUMBIA

Revision Date: 11-29-06

Form CD (17)-1050